

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART IV

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METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,

Petitioner,

vs.

VIVIAN & RUSS RAGSDALE

Respondents.

CASE NO. 04-1811-IV

COPY

MEMORANDUM OPINION

In this action, Petitioner, the Metropolitan Government of Nashville and Davidson County, seeks a review of the Final Decision and Order of the State Board of Equalization Assessment Appeals Commission (the "Commission") allowing Respondents, Vivian and Russ Ragsdale (the "Ragsdales"), to appeal the 2001 reappraisal of their property to the State Board of Equalization. Petitioner contends that the Commission lacked jurisdiction to hear the appeal and that it erred in finding reasonable cause for Respondent's alleged late filing of their appeal.

I. SCOPE OF REVIEW

Judicial review of this matter is conducted pursuant to Tenn. Code Ann. § 67-5-1511 and is *de novo*. See *Richardson v. Tennessee Assessment Appeals Comm'n*, 828 S.W.2d 403 (Tenn. Ct. App. 1991). As no party has introduced additional or supplemental proof, this Court's review is limited to the administrative record.

II. FACTUAL BACKGROUND

Petitioner conducted a reassessment of property in Davidson County in 2001; the Assessor sent the requisite notice of the reappraisal of the property at issue to the record owner of the property at or about the time the property sold. The Ragsdales purchased the property on April 26, 2001, and did not receive the notice of reappraisal. In November 2001, the Ragsdales received a courtesy copy of their bill for 2001 taxes and immediately sought recourse through the County (Tr. 6) and to the State Board of Equalization (Rec. 24-27).

The Administrative Law Judge assigned to the case held that the Ragsdales had failed to show reasonable cause for not adhering to the statutory deadlines for appealing to the State board. (Rec. 19-20). On appeal, the Assessment Appeals Commission reversed the Administrative Law Judge's decision, determining that reasonable cause existed for the late appeal to the state Board, and remanded the case to the Board for a hearing on the merits of the Ragsdales' claim. (Rec. 7-8). Agreement was subsequently reached between Petitioner and the Ragsdales on an assessment for their property. (Rec. 2-3).

III. DISCUSSION

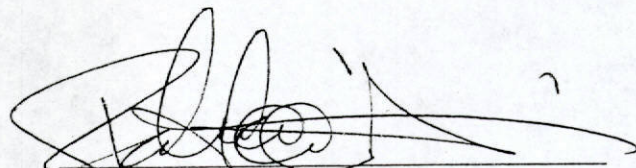
Tenn. Code Ann. § 67-5-1412(e) provides for certain time limits for filing an appeal to the State Board of Equalization and states in pertinent part: "If notice [of the assessment pursuant to Tenn. Code Ann. § 67-5-508] was not sent, the taxpayer may appeal directly to the state board at any time within forty-five (45) days after the tax billing date for the assessment." Id. The statute goes further to grant the taxpayer the right to a hearing to show reasonable cause for failing to file a timely appeal. The "tax billing date for the assessment" is not defined in the statute.

The custom and practice is for the Assessor to send the change of appraisal notice to the owner of record as of January 1; the assessment notice in this case was sent to the former owner on April 17th. (Tr. 11). At the time the property sold, 2001 taxes were not due and payable, and the first notice the Ragsdales received that their property had been reassessed was a courtesy tax bill sent to them in November of 2001. (Tr. 8). The original tax bill was sent to the mortgage lender in October 2001.¹

Taking the record as a whole the Court finds that reasonable cause within the meaning of the statute has been shown by the Ragsdales for not filing a timely appeal. The Ragsdales have shown that they did not receive notice of the reassessment and, consequently, could not have known of the necessity to appeal. Upon receiving notice, they acted promptly and in accordance with the statute.

IV. CONCLUSION

For the foregoing reasons, the judgment of the Assessment Appeals Commission will be
AFFIRMED.

A handwritten signature in black ink, appearing to read 'Richard H. Dinkins', is written over a horizontal line.

RICHARD H. DINKINS
CHANCELLOR

¹ Petitioner argues that the Ragsdales' mortgage company was their agent with responsibility for taxes and, consequently, when the tax bill was sent to the mortgage company the time for filing the appeal regarding the assessment began to run. *See* Brief of Petitioner at 6-7; Exhibit A to the Brief of Petitioner. (This Exhibit was not a part of the administrative record). The designation of the mortgage company to receive the tax bill does not relieve the statutory obligation that the notice of assessment be sent to the property owner (who is also identified on exhibit A). The import of the tax bill in Tenn. Code Ann. § 67-5-1412 is only with reference to the "tax billing date." Assuming that the purpose of furnishing the bill to the mortgage company was to have the taxes paid from an escrow account set up in conjunction with the Ragsdales' purchase of the property, the mortgage company would have had no reason to question the reappraisal.

cc: Mary Ellen Knack, Esq.
Margaret O. Darby, Esq.
Vivian and Russ Ragsdale

COPIES TO ATTORNEYS AND PRO SE LITIGANTS
AT THE ABOVE ADDRESSES

DATE 4/18/06 CLERK Nor